I affirm.

The Right to be Forgotton defined. **Walker 12[[1]](#footnote-1):**

Based on the Commission Proposal, **a working definition of the right to be forgotten has two parts: (I) An individual has the right to have her personal data deleted from a website if doing so does not infringe free expression** (which explicitly includes journalism and artistic and literary expressions): **and (2) website operators must remove such data from their servers without delay, in addition to making best efforts to remove it from any third-party servers with which the data has been shared.**

Part I is Framework:

#### Patriarchal logic is the root cause of destruction and oppression – rejection is key. Warren and Cady 94[[2]](#footnote-2):

Much of the current "**unmanageability" of contemporary life in patriarchal societies**, (d), **is then viewed as a consequence of a patriarchal preoccupation with activities, events, and experiences that reflect historically male-gender identified beliefs, values, attitudes, and assumptions. Included among these real-life consequences are precisely those concerns with nuclear proliferation, war, environmental destruction, and violence toward women, which many feminists see as the logical outgrowth of patriarchal thinking. In fact, it is often only through observing these dysfunctional behaviors** -- the symptoms of dysfunctionality -- **that one can truly see that and how patriarchy serves to maintain and perpetuate them.** When patriarchy is understood as a dysfunctional system, this "unmanageability" can be seen for what it is -- as a predictable and thus logical consequence of patriarchy. 11The theme that global environmental crises, war, and violence generally are predictable and logical consequences of sexism and patriarchal culture is pervasive in ecofeminist literature (see Russell 1989 , 2). Ecofeminist Charlene Spretnak, for instance, argues that "a militarism and warfare are continual features of a patriarchal society because they reflect and instill patriarchal values and fulfill needs of such a system. **Acknowledging the context of patriarchal conceptualizations that feed militarism is a first step toward reducing their impact and preserving life on Earth**" ( Spretnak 1989 , 54). Stated in terms of the foregoing model of patriarchy as a dysfunctional social system, the claims by Spretnak and other feminists take on a clearer meaning: Patriarchal conceptual frameworks legitimate impaired thinking (about women, national and regional conflict, the environment) which is manifested in behaviors which, if continued, will make life on earth difficult**,** if not impossible. It is a stark message, but it is plausible. Its plausibility ties in understanding the conceptual roots of various woman-nature-peace connections in regional, national, and global contexts.

Politics must be used to disrupt oppressive gender relations. **Peterson 92[[3]](#footnote-3):**

In other words, the state as a dealer in power, a wielder of weapons, an inherently violent institution is the object of suspicion and resistance by both antiliberal feminists and liberal internationalists. And, especially now, when the international system is undergoing immense change, pressures for denationalizing change—certainly discourse arguing for it- will be persistent. In the face of such pressures, I believe that **feminist critics of the present state system should beware. The very fact that the state creates, condenses, and focuses political power may make it the best friend, not the enemy, of feminists—because the availability of real political power is essential to real democratic control**. Not sufficient, I know, but essential. **My basic premise is that political power can significantly disrupt patriarchal and class (which is to say, economic) power. It holds the potential, at least, for disrupting the patriarchal/economic oppression of those in the lower reaches of class, sex and race hierarchies.** It is indisputable that, in the nineteenth and twentieth centuries, it has been the political power of states that has confronted the massive economic power privately constructed out of the industrial processes and has imposed obligations on employers for the welfare of workers as well as providing additional social support for the population at large. **And the political tempering of economic power has been the most responsive to broad public needs in liberal democracies, where government must respond roughly to the interests of voters. Of course, this is not the whole story**. The nation-states of this period have also perpetrated horrors of torture and war, have aided the development of elite-controlled industrial wealth, and have not sufficiently responded to the human needs of their less powerful constituents. But I believe **it is better to try to restrain the horrors and abuses than to give up on the limits that state organized political power can bring to bear on the forms of class-based, race-based, sex-based power that constitute the greatest sources of oppression we are likely to face.**

**Therefore**, the standard is **reducing structural violence against women** **through politics.**

Part 2 is the Plan:

A. Inherency

Existing legislation surrounding Revenge Pornography does not answer the issue and creates unnecessary hurdles. **Stokes [[4]](#footnote-4):**

Although criminalization of revenge porn receives a great deal of media attention, **the lack of a federal criminal statute, or a** state **criminal statute in the** overwhelming **majority of states**, **means that revenge porn victims have** thus far **had to rely on civil litigation** after discovering that their images have been posted on revenge porn sites. **Section 230, which grants websites and web hosts immunity from liability for the acts of their users, is a major hurdle** for plaintiffs **in civil revenge porn cases, who must instead identify, track down, and sue the original uploader.**15

B. Solvency

Existing legislation under the IIED tort law gives conceptual backing for victims of revenge porn to remove this content. **Stokes 2:**

Although the spread of revenge porn is accelerated through the use of the Internet, the harm is not unique to the Internet, and it is a mistake to treat it as such. **Revenge porn is objectionable to society for reasons that are not Internet-specific, but instead grounded in the same moral instincts that support recognition of torts like IIED**.123 **IIED allows the punishment of “conduct beyond the bounds of decency in a civilized society,”**124 **a category in which revenge porn** unmistakably **falls**. The transmission medium is irrelevant to the type of harm caused by revenge porn. “**The choice of communication medium might affect the magnitude of the harm, but if it is illegal for A to communicate X to B without C’s permission, there is no reason to fashion new rules of liability that depend on the mode of communication used**.”125 Although the Internet can magnify the scale of the social harm caused by revenge porn,126 **the application of IIED to revenge porn victims obviates the need for creating new civil remedies. It is unnecessary to create new law** for a new transmission **medium when the magnitude of the harm can be considered in applying IIED.**

And application of IIED tort law will uniquely solve. **Stokes 3:**

Daniel Zharkovsky suggests that **IIED is ideal to address social harms like revenge porn because its “built-in contextual analysis makes it uniquely adept at dealing with bad behavior on the Internet.”**127 Although Zharkovsky takes the additional step of arguing for exposing internet entities to liability rather than uploaders,128 his argument that the tort of **IIED is particularly well suited to address revenge porn because** of its flexibility is useful. Because “**outrage is a flexible standard**,”129 **courts can evaluate revenge porn cases independently according to the contextual analysis that application of IIED requires.** Rather than rigid criminal statutes such as those described in Part II, applying the adaptable outrageousness standard through **IIED would take into account the relationship between the parties, the expectations of each as to sharing intimate media, and, perhaps most importantly, current social norms**. In an environment as rapidly changing as the Internet, with entire social networks breaking to the forefront seemingly overnight,130 taking into account social norms is an important task. Applying the existing IIED tort allows courts to do this without crafting any new Internet-specific law,131 Daniel Zharkovsky suggests that IIED is ideal to address social harms instead addressing the social harm through the tort law mechanisms already established to regulate behavior in society. Although this flexibility could also chill speech to the extent that it does not clearly set the boundaries of acceptable social behavior in the same way that a criminal statute does, this risk is a compromise already made in the acceptance of the tort of IIED in general. In addition to the tort’s contextual adaptability**, the tort is accessible to victims seeking recourse. All states have recognized IIED in some form.** 132 This universality is significant, **given that copyright law requires authorship rights and criminal statutes have only been passed in a few states**. 133 **IIED provides all victims with an available cause of action even in the absence of a criminal statute or modifications to civil remedies, and victims can be awarded damages in every state.** 134 Like the state criminalization proposals discussed in Part II, using IIED to address revenge porn does not avoid triggering § 230 immunities. Additionally, victims still face the problem of needing to sue the original uploader directly, unless victims prove successful in using the inducement-like reasoning of the Ninth Circuit’s *Roommates.com* decision to open up revenge porn websites to civil liability. Criminalization suffers from serious statutory construction issues such that statutes have bizarre loopholes that severly restrict their applicability, or are so broad that constitutional challenge appears likely. 134 **Rather than forcing victims to fight** these **constitutional battles or accept criminal statutes that are “little more than lip service to the harm suffered,”** 136 **IIED offers a civil remedy that carries with it ample precedent to guide courts in balancing constitutional rights and victims’ interests.**

And by definition the IIED tort expansion is the right to be forgotten because a) it gives individuals the legal backing to have personal information in the form of revenge pornography deleted and b) prosecution would require those held liable to delete the content.

Therefore, the plan text is: “The United States Federal Government ought to apply the IIED tort to victims of revenge pornography as a civil right.”

The advantage is feminist value.

Revenge Pornography is inherently sexist – there is no debate. **Filipovic 93[[5]](#footnote-5):**

Society sees it differently – at least when the nude photo is of a woman. **There aren't popular revenge porn sites with pictures of naked men, because as a society we don't think it's** inherently **degrading or humiliating for men to have sex.** Despite the fact that large numbers of women watch porn, **there are apparently not large numbers of women who find sexual gratification in publicly shaming and demeaning men they've slept with. And that is, fundamentally, what these revenge porn sites are about. They aren't about naked girls;** there are plenty of those who are on the Internet consensually. **It's about hating women, taking enjoyment in seeing them violated, and harming them.**

This means the plan constitutes offense under the framework because it is legislation specifically seeking to deal with a womyn issue that is constitutive of what rejecting patriarchal logic with policy looks like – link this to the impacts of rejecting patriarchal logic.

Part 3 is the Twist:

The dialogue the plan opens creates a critical pedagogy necessary for real world **change** – the way I talk about REAL UNDERLYING ISSUES is key. **Friere 93[[6]](#footnote-6)\***

**The teacher** **talks about reality as if it were motionless, static, compartmentalized, and predictable.** Or else **[they] expounds on a topic completely alien to** the existential experience of **the students**. [Their] task is to “fill” the students with the contents of his narration – **contents which are detached from reality, disconnected from the totality that engendered them and could give them significance. Words are emptied of their concreteness and become a hollow, alienated, and alienating verbosity**.

\*edited for gendered language

The impact is education, creativity, and communication this is key to debate as a valuable activity instead a league of trophy collecting. **Friere 2:**

**Education** thus **becomes** an act of **depositing**, in which **the students are** the **depositories** and **the teacher is the depositor. Instead of communicating, the teacher issues communiques and makes deposits which the students patiently receive, memorize, and repeat.** This is the “banking” concept of education, in which the scope of action allowed to **the students extend only as far as receiving, filing, and storing the deposits.** They do, it is true, have the opportunity to become collectors or cataloguers of the things they store. But in the last analysis, it is the **people themselves** who **are filed away through the lack of creativity, transformation, and knowledge in this** (at best) misguided **system.** For apart from inquiry, apart from the praxis, **individuals cannot be truly human. Knowledge emerges only through invention and re-invention,** through the restless, impatient, continuing, hopeful inquiry human beings pursue in the world, with the world, and with each other.

The plan is unique – the deliverance of AC uncovers possibly the biggest issue in the political sphere, I use the plan format as a **metaphor** for how we deconstruct this destructive patriarchal ideology in the real world which enables us to envision real world action. This discourse is key to social change **Friere 3\*:**

It is not surprising that the banking concept of education regards [students] as adaptable, manageable beings. **The more students work at storing the deposits entrusted to them, the less they develop the critical consciousness which would result from their intervention in the world as transformers of that world. The more completely they accept the passive role imposed on them,** **the more they tend simply to adapt to the world as it is** and to the fragmented view of reality deposited in them.

\*edited for gendered language

Therefore, the role of the ballot is for the judge to act as a revolutionary educator interested in validating the real world revolutionary action of students in the interest of oppressed bodies. **Freire 4\*:**

**Authentic education is not carried on by "A" *for* "B" or by "A" *about* "B," but rather by "A" *with* "B,"** mediated by the world—a world which impresses and challenges both parties, giving rise to views or opinions about it. These views, impregnated with anxieties, doubts, hopes, or hopelessness, imply significant themes on the basis of which the program content of education can be built. **In its desire to create an ideal model of the "good [human]," a naively conceived humanism often overlooks the** **concrete, existential,** **present situation of real people. Authentic humanism**, **in Pierre Furter’s words,** **"consists in permitting the emergence of the awareness of our full humanity, as a condition and as an obligation, as a situation and as a project. "**We simply cannot go to the laborers—urban or peasant—in the banking style, to give them "knowledge" or to impose upon them the model of the "good man" contained in a program whose content we have ourselves organized. Many political and educational plans have failed because their authors designed them according to their own personal views of reality, never once taking into account (except as mere objects of their actions) the *men-in-a-situation* to whom their program was ostensibly directed. **For the truly humanist educator and the authentic revolutionary, the object of action is the reality to be transformed by them together with other people—not other men and women themselves.** The oppressors are the ones who act upon the people to indoctrinate them and adjust them to a reality which must remain untouched. Unfortunately, however, in their desire to obtain the support of the people for revolutionary action, **revolutionary leaders often fall for the banking line of planning program content from the top down**. They approach the peasant or urban masses with projects which may correspond to their own view of the world, but not to that of the people.**They forget that their fundamental objective is to fight alongside the people for the recovery of the people's stolen humanity**, not to ' Avin the people over" to their side. Such a phrase does not belong in the vocabulary of revolutionary leaders, but in that of the oppressor. **The revolutionary's role is to liberate, and be liberated, with the people—not to win them over.**

\*edited for gendered language

Any truth claim is epistemically suspect thus there is always a higher order obligation in rejecting oppression so excluded voices can be incorporated into our epistemologies. **Clifford and Burke[[7]](#footnote-7):**

**Our view of the nature of ethics admits the possibility of giving reasons, drawing on both knowledge about the social world, and on the feelings that are common (and uncommon) to human experience,** but without assuming that rationality, empirical evidence or human feelings can either by themselves or even together provide an absolute basis for ethics. **Too much is known about the variability of human values and the limitations of human rationality to make such an assumption complacently.** There are many inequalities of wealth, status and power, both reflecting and leading to cultural and structural social divisions. **The social context of the professional working with vulnerable individuals and groups demands recognition of the need to act in a way that minimizes or overcomes some of the complex effects of discrimination and oppression, rather than adding to them through collusion, neglect or lack of self-awareness**. Even worse, obviously, would be intentionally adding to existing oppression and exploitation. **What matters is the possibility of dialogue between individuals and groups – the attempt to act in an anti-oppressive way is itself an endless search for ethical values in which we continually negotiate with and learn from each other – and especially from the ‘other’, in the sense of one who is socially and culturally different.**

So because you have a higher ethical obligation to reject oppression, weigh oppressed bodies first before post-fiat impacts and theory otherwise the round is irresolvable because without rejecting oppression prima facie we can’t definitively be sure that our actions are ethically sound at the risk we exclude oppressed groups.

Therefore you, as a judge in a position of educational power, have an obligation to transform the debate space above just a game and instead into its higher capacity as a platform from which we as students can have discourse on how we envision real world change and how we can pursue it. Therefore, you should vote for the speech act of the AC as a method of real world change to liberate oppressed bodies and reshape society from the inside-out.

**Underview**

My opponent has to weigh fairness and education impacts against the marginalization of oppressed bodies – the abuses are both pre-fiat and without weighing here you have no way to interpret how their theory claims on the AC implicate against the discourse on real world issues to oppressed bodies.

1. Robert Kirk Walker, J.D. Candidate at University of California, Hastings College of the Law, “Note: The Right to be Forgotten,” Hastings Law Journal, No. 64, pp. 257-286, 2012, http://heinonlinebackup.com/hol--‐cgi--‐bin/get\_pdf.cgi?handle=hein.journals/hastlj64&section=9) [↑](#footnote-ref-1)
2. Karen J, Duane L, feminists and authors, Hypatia, “Feminism and Peace: Seeing connections,” pg 16-17 [↑](#footnote-ref-2)
3. Editor V Spike, Professor in the Department of Political Science at the University of Arizona, Gendered States, pg. 66 [↑](#footnote-ref-3)
4. Jenna K Stokes, J.D. Candidate, 2015, “The Indecent Internet: Resisting Unwanted Internet Exceptionalism in Combatting Revenge Porn” University of California, Berkeley, School of Law. 2014 [↑](#footnote-ref-4)
5. Jill Filipovic “’Revenge Porn’ Is About Degrading Women Sexually and Professionally.” The Guardian, 1993 [↑](#footnote-ref-5)
6. Paulo Friere (educational revolutionist), 1993, “Pedagogy of the Oppressed”,Page 71, The Continuum Internation Publishing Group, <http://69.195.71.185/_media/resource/freire_pedagogy_of_the_oppresed.pdf> [↑](#footnote-ref-6)
7. [Anti-Oppressive Ethics and Values in Social Work, Derek Clifford, and Beverley Burke. Basingstoke, Palgrave Macmillan, 2008, <http://www.palgrave.com/PDFs/1403905568.pdf>] [↑](#footnote-ref-7)